

PROCEDURE FOR ADOPTION OF PROTOCOLS AND POLICIES

Effective January 1, 1991

PURPOSE

To establish minimum procedural requirements for the adoption, amendment or repeal of ICEMA medical control protocols and policies.

The provisions of this policy shall not apply to any protocol and/or policy not required to be approved by stipulation outlined in the Joint Powers Agreement.

EMERGENCY ADOPTION OR REPEAL PROCESS

1. If ICEMA determines that the adoption or repeal of a protocol and/or policy is necessary for the immediate preservation of the public health and safety or general welfare, the protocol and/or policy may be adopted or repealed as an emergency action of appeal.
2. Any finding of an emergency shall include a written statement describing the specific facts showing the need for immediate action. The statement and the protocol or policy shall be immediately forwarded to the ICEMA Medical Control Advisory Committee and appropriate EMS provider agencies. The emergency protocol and/or policy will become effective no sooner than five (5) days following dissemination to the ICEMA Medical Control Advisory Committee.
3. No protocol or policy adopted under the emergency adoption provision shall remain in effect more than 120 days unless ICEMA complies with the other provisions of this policy.
4. A protocol or policy adopted under this emergency provision shall not be readopted as an emergency protocol or policy except with the express prior approval of the Health Officer of San Bernardino County.

EFFECTIVE DATE OF PROTOCOL OR POLICY

Protocols and/or policies approved by the Medical Director and the Health Officers of the member counties shall become effective no sooner than 30 days after the date of approval by the Medical Director.

NOTICE OF PROPOSED ACTION – PUBLICATION, MAILING, EFFECTIVE PERIOD

1. At least 45 days prior to presentation to the ICEMA Medical Control Advisory Committee on the adoption, amendment, or repeal of the regulation, notice of the proposed action shall be:
 - a. Published in the ICEMA newsletter.
 - b. Mailed to voting members of the ICEMA Medical Control Advisory Committee.
 - c. Mailed to each EMS provider agency whom ICEMA believes to be interested in the proposed action.
 - d. Mailed to every person who has filed a request for notice thereof with ICEMA.

2. ICEMA shall make copies of the proposed protocols and/or policies available to the public and county agencies at a nominal cost which is consistent with a policy of encouraging the widest possible notice distribution to interested persons.
3. The failure to mail notice to any person as provided in this policy shall not invalidate any action taken by ICEMA pursuant to this policy.

CONTENTS OF NOTICE OF PROPOSED ADOPTION, AMENDMENT OR REPEAL

1. The notice of proposed adoption, amendment, or repeal of a protocol or policy shall include:
 - a. A statement of the time and place of proceedings for adoption, amendment, or repeal of a protocol or policy;
 - b. The name and telephone number of the agency contact person to whom inquiries concerning the proposed action may be directed.
 - c. A date by which comments submitted in writing must be received to present statements, arguments, or contentions in writing relating to the proposed action in order for them to be considered by ICEMA before it adopts, amends, or repeals a protocol or policy.
2. The provisions of this section shall not be construed in any manner which results in the invalidation of a protocol or policy because of the alleged inadequacy of the notice content if there has been substantial compliance with this requirement.

CONDITIONS ON SUBSTANTIAL CHANGES OR MODIFICATIONS

1. On the date and at the time and place designated in the notice, ICEMA shall afford any interested person or his duly authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with opportunity to present the same orally at the ICEMA Medical Control Advisory Committee Meeting, ICEMA shall consider all relevant matter presented to it before adopting, amending or repealing any protocol or policy.
2. ICEMA shall have authority to continue or postpone the ICEMA Medical Control Advisory Committee Meeting from time to time to such time and at such place as it shall determine.
3. ICEMA shall make no substantial change or modification to a proposed adoption, amendment, or repeal of a protocol or policy unless such change or modification is related directly to the same subject or issue noticed.

PETITION FOR ADOPTION, AMENDMENT OR REPEAL – CONTENTS

Any interested person may petition ICEMA requesting the adoption, amendment, or repeal of a protocol or policy as provided in this section. Such petition shall state clearly and concisely:

- a. The substance or nature of the protocol or policy, amendment or repeal requested;
- b. The reason for the request.

PETITION FOR ADOPTION, AMENDMENT OR REPEAL -RELIEF CONSIDERATION

1. Upon receipt of a petition requesting the adoption, amendment or repeal of a protocol or policy, ICEMA will notify the petitioner in writing of the receipt of the petition and then shall, within 30 days, either deny the petition indicating why the agency has reached such a decision on the merits of the petition in writing or schedule the matter for hearing in accordance with the notice and hearing requirements of this policy.
2. ICEMA may grant or deny such a petition in part, and may grant such other relief or take such other action as it may determine to be warranted by the petition and will notify the petitioner in writing of such action.
3. Any interested person may request reconsideration of any part or all of the decision of ICEMA on any petition submitted. Any such request shall be submitted in accordance with "Petition for adoption or repeal -content" section .of this policy and include the reason or reasons why ICEMA should reconsider its previous decision no later than 60 days after the date of the decision involved ICEMA's reconsideration of any matter relating to a petition shall be subject to the provisions of paragraph 1 of this section.